

HOUSE BILL 129

By Hardaway

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3, relative to compliance with Title VI
provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, is amended by adding Sections 2 through 6 of this act as a new, appropriately designated part.

SECTION 2. In addition to the duties and responsibilities of the human rights commission pursuant to chapter 29 of this title, it is the responsibility of the human rights commission to verify that all state governmental entities comply with the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., and regulations promulgated pursuant thereto.

SECTION 3. Notwithstanding any other provision of law to the contrary, the human rights commission shall be responsible, pursuant to Section 4 of this act, for the development of a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations for state governmental entities subject to the requirements of Title VI. To the extent applicable, such plan shall include Title VI implementation plans of any subrecipient of federal funds through a state entity. Each such state governmental entity shall submit annual Title VI compliance reports and implementation plan updates to the human rights commission by October 1, 2010, and each October 1 thereafter. The reporting period shall cover the most recent full fiscal year. At least once each year, the human rights commission shall publish a cumulative report of its findings and recommendations concerning compliance with the requirements of this section. The cumulative annual report shall be distributed to the

governor, to each member of the general assembly, and to each library designated as a depository of state reports and documents.

SECTION 4. It shall be the duty of the human rights commission to:

(1) Review current Title VI monitoring and enforcement procedures in federal and state statutes, rules, regulations, programs, services, and budgetary priorities;

(2) Define and establish the components, guidelines, and objectives of a comprehensive state policy to ensure and to promote present and future compliance with Title VI requirements;

(3) Identify any Tennessee laws, rules, programs, services, and budgetary priorities that conflict with the components, guidelines, and objectives of such comprehensive state policy;

(4) Search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation of such comprehensive state policy;

(5) Identify any new laws, rules, programs, services, and budgetary priorities that are needed to ensure and promote present and future compliance with and enforcement of Title VI;

(6) Serve as the central coordinating agency for executive branch departments and agencies for technical assistance, consultation, and resources to encourage and assist compliance with the requirements of Title VI;

(7) Periodically and systematically audit, review, evaluate and report on Title VI compliance efforts and outcomes for each executive branch department and agency;

(8) Conduct research, hold public hearings, publish reports, and engage in other activities to inform Tennesseans of the provisions and requirements of Title VI;

(9) Investigate allegations of noncompliance with Title VI;

(10) Report annually to the governor and the general assembly concerning the commission's activities, findings, and recommendations; and

(11) Engage in other activities to encourage, promote, and assist compliance with the requirements of Title VI.

SECTION 5. Due to the diversity of programs that constitute federal financial assistance, subject to appropriations in the general appropriations act, the human rights commission shall provide ongoing training, education and technical assistance to employees of each state department. Such diversity training shall include, but not be limited to, health and social services, road maintenance and building, employment issues, housing and related issues, education and education related issues, and administrative and administrative support functions. In addition, subject to appropriations in the general appropriations act, diversity training shall be extended to provide training to subrecipients of federal funds through the state general appropriations act, including local governments, non-profit organizations and private businesses.

SECTION 6. This act shall take effect July 1, 2009, the public welfare requiring it.